

REMARKS

Claims 1-12 are pending. Claims 5-12 have been canceled without prejudice as withdrawn from consideration. Claim 1 has been amended to introduce certain format changes. Applicants submit that these amendments raise no issue of new matter. Thus, claims 1-4 are pending and under examination.

In view of the arguments set forth below, applicants maintain that the Examiner's rejections made in the May 14, 2003 Final Office Action have been overcome, and respectfully request that the Examiner reconsider and withdraw same.

Rejections Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1-4 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to allow one skilled in the relevant art to which it pertains to make and/or use the invention commensurate in scope with the claims.

The Examiner stated that while the claims are enabled for in vitro applications, they are not enabled for in vivo applications of the claimed method. Specifically, the Examiner alleges that the only use for practicing the claimed invention in vivo is for therapy and that the specification does not provide specific guidance for producing a therapeutic effect when practicing the claimed method in vivo.

In response, applicants respectfully traverse the Examiner's rejection. Without conceding the correctness of the Examiner's remarks regarding in vivo applications of the instant method, applicants note that the claims, as amended, provide a method for cell conversion which comprises, in relevant part, the step of introducing a particular nucleic acid into a neural stem cell ex vivo, and not in vivo. Applicants maintain that practicing this method would require no undue experimentation and that, accordingly, it is enabled.

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462
Filed: September 1, 2000
Page 4

In view of these remarks, applicants maintain that claims 1-4 satisfy the provisions of 35 U.S.C. §112, first paragraph, and respectfully request that the Examiner withdraw her rejection thereof.

Summary

In view of the amendments and remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

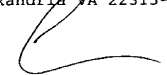
No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450


Alan J. Morrison
Reg. No. 37,399

5/18/03
Date

John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400